

## **Remarks/Arguments**

Claims 1-13 and 15-21 are now pending in this application. Claims 16-19 have been withdrawn from further consideration. In the June 3, 2009 Office Action, claims 1-13, 15, and 20-21 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 7,100,036 to Schwartz et al. (hereinafter "*Schwartz*") in view of U.S. Patent No. 5,537,544 to Morisawa (hereinafter "*Morisawa*").

By this amendment, claims 1 and 20 have been amended. For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

### Claim Rejections Under 35 U.S.C. 103(a)

#### Independent Claim 1

In the June 3, 2009 Office Action, claim 1 was rejected under 35 U.S.C. 103(a) as being obvious over *Schwartz* in view of *Morisawa*. The applicant has amended claim 1 to more clearly reflect one aspect of the disclosure. The applicant respectfully submits that *Schwartz* and *Morisawa* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner. In particular, the cited combination does not describe or suggest, "reading from each of the data storage devices within the computer a data storage device identifier, the data storage device identifier indicating whether the data storage device supports the security features and whether the data storage device is locked or unlocked" and "determining from the data storage device identifier whether the data storage device supports the security features and is locked," as recited by claim 1.

In the Office Action, the Examiner suggests that "Schwartz teaches during the initial booting of the power on test process the identifier (password) of the memory has been used to determine whether the Bios proceeds to boot or in a locked configuration" and that *Schwartz* "teaches that the identifier of the motherboard plays a role to determine the device is locked." While *Schwartz* describes a hard drive having a password or device ID, the password does not indicate anything with respect to whether the hard drive supports any particular security features or with respect to whether the hard drive is locked or unlocked. In fact, the hard drive of

*Schwartz* is locked since it is not until after comparing and matching the hard drive identifier or password to an identical identifier or password stored in the computer system memory. There is no identifier stored on the hard drive described by *Schwartz* that indicates whether security features are supported and whether the hard drive is locked or unlocked, only an identifier of the drive itself that is used by the motherboard to determine if the drive is authorized for that computer system.

In addition, the cited art does not describe or suggest, “in response to determining that the data storage device supports the security features and is locked, determining whether the data storage device is returning from a powered off state or a hardware reset,” as recited by claim 1. The Office Action cites *Schwartz* as teaching this recitation. *Schwartz* describes comparing identifiers for system configuration verification purposes during execution of a power-on self-test. There is no discussion within the *Schwartz* reference of determining whether a storage device is returning from a powered off state or hardware reset. The Examiner cites three portions of *Schwartz* as disclosing this recitation without any additional explanation. Accordingly, the applicant will address each cited portion of *Schwartz*. First, the Examiner cites column 1, lines 51-60 of *Schwartz*. However, this portion of *Schwartz* describes an overview of the *Schwartz* process, specifically that the BIOS compares an assigned identifier of a hard drive with an identifier stored in memory and will boot the drive if the identifiers match. This comparison and boot process does not equate to determining whether the drive is returning from a powered off state or hardware reset. The current specification describes different embodiments with respect to the state that the drive is returning from, such as a sleep state, a powered off state, or a hardware reset. In contrast, the *Schwartz* system is not concerned with the state of the hard drive, only that an identifier comparison and match be made before the drive can be used with the computer system.

The second portion of *Schwartz* cited by the Examiner as teaching this recitation is column 3, lines 5-65. This 60 line portion of *Schwartz* further details the comparison of identifiers during the execution of the power-on test module in order to verify system configuration. There is no description or suggestion within this entire cited portion that relates to the state of the hard drive during the comparison process, and specifically no disclosure with respect to determining whether the hard drive is returning from a powered off state or hardware reset.

The final portion of *Schwartz* cited by the Examiner as teaching this recitation is column 4, lines 12-25. This portion describes a method for securing the computer system. In this passage, there is a description of a determination made as to whether the computer system activation is an initial activation or an initial execution of the power-on self-test module. This determination with respect to whether it is an initial computer system activation or POST execution relates to the computer system and not the drive, and is not equivalent to determining whether the hard drive is returning from a powered off state or hardware reset. Should the Examiner disagree with the applicant's assessment of the cited art with respect to this claim recitation, the applicant respectfully requests further clarification as to how the cited portions of *Schwartz* teach the claim element at issue since only a slight modification to the cited portions of *Schwartz* was made in this Office Action in response to the applicant's prior arguments, without any accompanying explanations. Accordingly, for at least these reasons, the applicant respectfully submits that independent claim 1 is allowable over *Schwartz* in view of *Morisawa*.

#### Independent Claim 20

In the June 3, 2009 Office Action, claim 20 was rejected under 35 U.S.C. 103(a) as being obvious over *Schwartz* in view of *Morisawa*. The applicant has amended independent claim 20 to more clearly reflect one aspect of the disclosure. The applicant respectfully submits that *Schwartz* and *Morisawa* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner. In particular, the cited combination does not describe or suggest, "in response to determining that the data storage device is locked, determining whether the data storage device is returning from a sleep state during which power was removed from the data storage device but not from all computer systems" and "in response to the data storage device being locked and returning from a sleep state, determining whether the data storage device was unlocked prior to the sleep state," as recited by claim 20. The Office Action recites *Schwartz* as disclosing these recitations.

In responding to the applicant's prior arguments, the Examiner again cites the three portions of *Schwartz* discussed above in traversal. For the same reasons discussed above, the applicant disagrees. The applicant has further amended claim 20 to more clearly define a sleep state. *Schwartz* clearly does not describe any determinations with respect to a drive returning from a sleep state, or any actions taken after such a determination. Further, the Examiner did not

address the applicant's prior arguments with respect to the "in response to the data storage device being locked and returning from a sleep state, determining whether the data storage device was unlocked prior to the sleep state" recitation of claim 20. Not only does *Schwartz* fail to describe or suggest determining whether a data storage device is locked and returning from a sleep state, but *Schwartz* also does not describe any determination as to whether or not a storage device was unlocked prior to returning from a sleep state. As discussed above, the *Schwartz* drives are locked with their respective IDs or passwords until a match is made with a ID or password within the computer system, at which time the drive is unlocked. There is no discussion within *Schwartz* of drives returning from a sleep state, or any other state, and whether or not the drive was locked prior to returning from that state. Accordingly, for at least these reasons, the applicant respectfully submits that independent claim 20 is allowable over *Schwartz* in view of *Morisawa*.

Dependent Claims 2-13, 15, and 21

Because the cited art fails to teach, suggest, or describe the recitations of claims 2-13, 15, and 21, and because claims 2-13, 15, and 21 depend from allowable independent base claims 1 and 20, dependent claims 2-13, 15, and 21 are allowable over the art of record.

**Conclusion**

In view of the foregoing amendment and remarks, the applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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/Michael J. Baldauff, Jr./

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